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EXAMINER

SCHNURR, JOHN R

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/667,829	Applicant(s) KARAOGUZ ET AL.	
	Examiner JOHN SCHNURR	Art Unit 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-26, 28-32 and 34-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-26, 28-32 and 34-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/20/2009 has been entered.

DETAILED ACTION

1. Claims 1-12, 14-26, 28-32 and 34-38 are pending and have been examined.

Response to Arguments

2. Applicant's arguments filed 07/20/2009 have been fully considered but they are not persuasive.

In response to applicant's argument (Remarks pgs. 9-11) that Ten Kate (US 6,601,237) does not disclose the newly added limitations of claims 10, 21 and 29 stating the user scheduled media is arranged according to times, the examiner notes that Wood (US 2002/0054752) meets this limitation (see Fig. 10).

In response to applicant's arguments (Remarks pgs. 11-12) against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Ten Kate clearly shows idle state media being

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displayed at a first location and Hamano (US 2002/0166127) clearly shows idle state media being stored at a first location and displayed at a second location.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 34** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 34 indicates dependence from canceled claim 33. For the purposes of examination the claim was assumed to depend from claim 29.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims **1-6, 9-12, 14-17, 21-26, 28-32, 34, 37 and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ten Kate et al. (US 6,601,237)**, herein Ten Kate in view of **Wood et al. (US 2002/0054752)**, herein Wood, further in view of **Hamano et al. (US 2002/0166127)**, herein Hamano.

Consider **claim 1**, Ten Kate clearly teaches a system supporting media display sequencing, the system comprising:

a television display at a first location; (**Fig. 1 Display 9**)

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storage at the first location for storing all idle state media; **(Fig. 1: Video recorder 17 stores media to be used to fill the schedule gaps, column 4 lines 34-37 and column 6 lines 20-29.)**

a user interface for identifying particular media as one of the idle state media or the user scheduled media, and wherein the user interface is used to choose when the idle state media is displayed; **A user selects programs to create a virtual channel, column 4 line 64 to column 5 line 3. The user selects default media to fill the gaps in the virtual channel schedule, column 5 line 66 to column 6 line 8.)**

set top box circuitry at the first location communicatively coupled to the storage at the first location to support consumption of the idle state media and the user scheduled media by the television display according to selected and scheduled times; and the set top box circuitry at the first location causing the displaying, from the storage at the first location, of idle state media when no user scheduled media is available on the television display at the first location. **(Programs stored on video recorder 17 are used to fill gaps in the virtual channel schedule, column 6 lines 20-29.)**

Ten Kate further teaches storing user scheduled media at the first location (col. 4 lines 34-37 and col. 6 lines 18-20). However, Ten Kate does not explicitly teach storing all of the user scheduled media at the first location, wherein the user scheduled media includes selected stored media arranged according to broadcast times.

In an analogous art, Wood, which discloses a system for creating a user defined virtual channel, clearly teaches storing all of the user scheduled media at a first location, **(The system creates virtual channels of stored media, [0059]-[0061].)** wherein the user scheduled media includes selected stored media arranged according to broadcast times. **(Fig. 10)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate by storing all of the user scheduled media at the first location and arranging the media according to broadcast times, as taught by Wood, for the benefit of better organizing the available media ([0010] Wood).

However, Ten Kate combined with Wood does not explicitly teach at least one display device at a second location that is separate and distinct from the first location, which receives idle state media from the storage at the first location.

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In an analogous art, Hamano, which discloses a system for providing media to a remote device, clearly teaches at least one display device at a second location that is separate and distinct from the first location, which receives idle state media from the storage at the first location. **(Fig. 3: Remote display terminal receives media from the set top box, [0044]. The media can be displayed in an idle state, [0037].)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate and Wood by sending the screen saver to a remote device for display, as taught by Hamano, for the benefit of displaying advertisements to the user while the device is not being used ([0037] Hamano).

Consider **claim 2**, Ten Kate combined with Wood and Hamano, as in claim 1, clearly teaches the identified media comprises at least one of audio, a still image, video, and data. **(column 3 lines 50-55)**

Consider **claim 3**, Ten Kate combined with Wood and Hamano, as in claim 1, clearly teaches a packet network interface communicatively coupled to the set top box. **(column 3 lines 39-50)**

Consider **claim 4**, Ten Kate combined with Wood and Hamano, as in claim 1, clearly teaches the packet network interface is compatible with at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure. **(column 3 lines 39-50)**

Consider **claims 5**, Ten Kate combined with Wood and Hamano, as in claim 1, clearly teaches a display device at a second location communicatively coupled to the set top box circuitry, which receives idle state media from the set top box. **(Fig. 3: Remote display terminal receives media from the set top box, [0044]. The media can be displayed in an idle state, [0037]. Hamano)**

Consider **claims 6**, Ten Kate combined with Wood and Hamano, as in claim 1, clearly teaches the at least one display device at a second location is one of a plasma display, a liquid crystal display, or a TV screen. **(Fig. 4: Display 411 displays video data, [0046]-[0047] Hamano.)**

Consider **claim 9**, Ten Kate combined with Wood and Hamano, as in claim 1, clearly teaches the identified media is pushed to the system. **(The system receives broadcast media, column 3 lines 37-41.)**

Consider **claim 10**, Ten Kate clearly teaches a method of operating a system supporting user captured media display sequencing, the method comprising:

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selecting particular user stored media as one of idle state media or user scheduled media based upon input from a user at a first location; **(A user selects programs to create a virtual channel, column 4 line 64 to column 5 line 3. The user selects default media to fill the gaps in the virtual channel schedule, column 5 line 66 to column 6 line 8.)**

storing all of the idle state media at the first location; **(Fig. 1: Video recorder 17 stores media to be used to fill the schedule gaps, column 4 lines 34-37 and column 6 lines 20-29.)**

causing the displaying of the idle state media through set top box circuitry at the first location according to a user defined sequence, if no user scheduled media is available; **(Programs stored on video recorder 17 are used to fill gaps in the virtual channel schedule, column 6 lines 20-29.)**

refraining from causing the displaying of the idle state media through the set top box circuitry if user scheduled media is available. **(Programs in the virtual channel schedule are presented to the viewer, column 4 line 64 to column 5 line 3.)**

Ten Kate further teaches storing user scheduled media at the first location (col. 4 lines 34-37 and col. 6 lines 18-20). However, Ten Kate does not explicitly teach storing all of the user scheduled media at the first location, wherein the user scheduled media includes selected stored media arranged according to times.

In an analogous art, Wood, which discloses a system for creating a user defined virtual channel, clearly teaches storing all of the user scheduled media at a first location, **(The system creates virtual channels of stored media, [0059]-[0061].)** wherein the user scheduled media includes selected stored media arranged according to times. **(Fig. 10)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate by storing all of the user scheduled media at the first location and arranging the media according to times, as taught by Wood, for the benefit of better organizing the available media ([0010] Wood).

However, Ten Kate combined with Wood does not explicitly teach at least one display device at a second location that is separate and distinct from the first location, which receives idle state media from the storage at the first location.

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In an analogous art, Hamano, which discloses a system for providing media to a remote device, clearly teaches at least one display device at a second location that is separate and distinct from the first location, which receives idle state media from the storage at the first location. **(Fig. 3: Remote display terminal receives media from the set top box, [0044]. The media can be displayed in an idle state, [0037].)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate and Wood by sending the screen saver to a remote device for display, as taught by Hamano, for the benefit of displaying advertisements to the user while the device is not being used ([0037] Hamano).

Consider **claim 11**, Ten Kate combined with Wood and Hamano, as in claim 10, clearly teaches the identifying is performed using at least one of a set top box, a personal computer, and a television. **(Fig. 1, column 3 lines 37-67)**

Consider **claim 12**, Ten Kate combined with Wood and Hamano, as in claim 10, clearly teaches the identified media comprises at least one of audio, a still image, video, and data. **(column 3 lines 50-55)**

Consider **claim 14**, see claim 12.

Consider **claim 15**, Ten Kate combined with Wood and Hamano, as in claim 10, clearly teaches receiving media from a second location. **(The media is broadcast from a second location to the receiver via a network, column 3 lines 37-41)**

Consider **claims 16 and 17**, Ten Kate combined with Wood and Hamano, as in claim 10, clearly teaches the receiving is performed using a packet network, wherein the packet network is the a cable infrastructure. **(column 3 lines 37-41)**

Consider **claim 21**, Ten Kate clearly teaches a method of operating a system supporting user captured media display sequencing, comprising:

receiving media at a first location; **(Fig. 1: Tuner 2, column 3 lines 37-55)**

storing the media at the first location; **(Fig. 1: DVR 17, column 4 lines 34-37; Video recorder 17 stores media to be used to fill the schedule gaps, column 4 lines 34-37 and column 6 lines 20-29.)**

selecting the media stored at the first location as idle state media or scheduled media based upon input from a user; **(A user selects programs to create a virtual channel, column 4 line 64 to column 5**

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line 3. The user selects default media to fill the gaps in the virtual channel schedule, column 5 line 66 to column 6 line 8.)

causing the displaying of the idle state media set top box circuitry at the first location according to a user defined sequence, when no user scheduled media is available; **(Programs stored on video recorder 17 are used to fill gaps in the virtual channel schedule, column 6 lines 20-29.)**

refraining from causing the displaying of the idle state media set top box circuitry if user scheduled media is available. **(Programs in the virtual channel schedule are presented to the viewer, column 4 line 64 to column 5 line 3.)**

Ten Kate further teaches storing user scheduled media at the first location (col. 4 lines 34-37 and col. 6 lines 18-20). However, Ten Kate does not explicitly teach storing all of the user scheduled media at the first location, wherein the user scheduled media includes selected stored media arranged according to broadcasting time.

In an analogous art, Wood, which discloses a system for creating a user defined virtual channel, clearly teaches storing all of the user scheduled media at a first location **(The system creates virtual channels of stored media, [0059]-[0061].)**, wherein the user scheduled media includes selected stored media arranged according to broadcasting time. **(Fig. 10)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate by storing all of the user scheduled media at the first location and arranging the media according to broadcasting time, as taught by Wood, for the benefit of better organizing the available media ([0010] Wood).

However, Ten Kate combined with Wood does not explicitly teach at least one display device at a second location that is separate and distinct from the first location, which receives idle state media from the storage at the first location.

In an analogous art, Hamano, which discloses a system for providing media to a remote device, clearly teaches at least one display device at a second location that is separate and distinct from the first location, which receives idle state media from the storage at the first location. **(Fig. 3: Remote display terminal receives media from the set top box, [0044]. The media can be displayed in an idle state, [0037].)**

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Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate and Wood by sending the screen saver to a remote device for display, as taught by Hamano, for the benefit of displaying advertisements to the user while the device is not being used ([0037] Hamano).

Consider **claim 22**, Ten Kate combined with Wood and Hamano, as in claim 21, clearly teaches the idle state media resides on local storage. **(column 6 lines 20-29)**

Consider **claim 23**, Ten Kate combined with Wood and Hamano, as in claim 21, clearly teaches the user scheduled media resides on at least one of local storage, a 3rd party media provider, a 3rd party service provider, a network server, and a broadband head end. **(column 3 lines 37-41)**

Consider **claim 24**, see claim 17.

Consider **claim 25**, see claim 12.

Consider **claim 26**, see claim 12.

Consider **claim 28**, Ten Kate combined with Wood and Hamano, as in claim 21, clearly teaches causing, immediately, the displaying of the idle state media based upon user input. **(The idle state media may be stored on video recorder 17, column 4 lines 34-37, therefore the media may be played back immediately if the user selects to play the media from the recorder.)**

Consider **claim 29**, Ten Kate clearly teaches a method of operating a system supporting user captured media display sequencing, comprising:

set top box circuitry at a first location communicatively coupled to a storage at the first location to support consumption of idle state media and user scheduled media by a display device, **(Fig. 1: Video processor 8, column 3 lines 61-67)** wherein all of the idle state media is stored in the storage at the first location and scheduled based on time; **(Fig. 1: Video recorder 17 stores media to be used to fill the schedule gaps, column 4 lines 34-37 and column 6 lines 20-29.)**

the set top box circuitry at the first location causing the displaying, from the storage at the first location, of idle state media when no scheduled media is available. **(column 5 line 66 to column 6 line 29)**

Ten Kate further teaches storing user scheduled media at the first location (col. 4 lines 34-37 and col. 6 lines 18-20). However, Ten Kate does not explicitly teach

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storing all of the user scheduled media at the first location, wherein the user scheduled media is scheduled based on time.

In an analogous art, Wood, which discloses a system for creating a user defined virtual channel, clearly teaches storing all of the user scheduled media at a first location, **(The system creates virtual channels of stored media, [0059]-[0061].)** wherein the user scheduled media is scheduled based on time. **(Fig. 10)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate by storing all of the user scheduled media at the first location and arranging the media according to time, as taught by Wood, for the benefit of better organizing the available media ([0010] Wood).

However, Ten Kate combined with Wood does not explicitly teach at least one display device at a second location that is separate and distinct from the first location, which receives idle state media from the storage at the first location.

In an analogous art, Hamano, which discloses a system for providing media to a remote device, clearly teaches at least one display device at a second location that is separate and distinct from the first location, which receives idle state media from the storage at the first location. **(Fig. 3: Remote display terminal receives media from the set top box, [0044]. The media can be displayed in an idle state, [0037].)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate and Wood by sending the screen saver to a remote device for display, as taught by Hamano, for the benefit of displaying advertisements to the user while the device is not being used ([0037] Hamano).

Consider **claim 30**, see claim 12.

Consider **claim 31**, Ten Kate clearly teaches a packet network interface communicatively coupled to the set top box. **(column 3 lines 39-50)**

Consider **claim 32**, Ten Kate clearly teaches the packet network interface is compatible with at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure. **(column 3 lines 39-50)**

Consider **claims 34**, see claim 6.

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Consider **claim 37**, Ten Kate clearly teaches the identified media is pushed to the system. **(The system receives broadcast media, column 3 lines 37-41.)**

Consider **claim 38**, Ten Kate clearly teaches the display device is one of a plasma display, a liquid crystal display, and a TV screen. **(Fig. 1 Display screen 9 displays television programs, column 3 lines 37-67.)**

7. Claims **7 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ten Kate et al. (US Patent 6,601,237)** in view of **Wood et al. (US Patent Application Publication 2002/0054752)** further in view of **Hamano et al. (US Patent Application Publication 2002/0166127)** and further in view of **Matz (US Patent Application Publication 2004/0261096)**.

Consider **claims 7 and 8**, Ten Kate combined with Wood and Hamano, as in claim 1, clearly teaches a media display sequencing system containing a storage device.

However, Ten Kate combined with Wood and Hamano, as in claim 1, does not explicitly teach at least one media capture device communicatively coupled to the storage, including a DVD player.

In an analogous art, Matz, which discloses a system for sequencing display data, clearly teaches at least one media capture device communicatively coupled to the storage, including a DVD player. **([0052])**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate combined with Wood and Hamano by including at least one media capture device communicatively coupled to the storage, including a DVD player, as taught by Matz, for the benefit of providing media from multiple sources.

8. Claims **18-20, 35 and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ten Kate et al. (US Patent 6,601,237)** in view of **Wood et al. (US Patent Application Publication 2002/0054752)** further in view of **Hamano et al. (US**

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Patent Application Publication 2002/0166127) and further in view of **Matz (US Patent Application Publication 2004/0261096).**

Consider **claim 18**, Ten Kate combined with Wood and Hamano, as in claim 10, clearly teaches a media display sequencing system receiving media from a packet network.

However, Ten Kate combined with Wood and Hamano, as in claim 10, does not explicitly teach the packet network is the Internet.

In an analogous art, Matz, which discloses a system for sequencing display data, clearly teaches a packet network delivering media is the Internet. **([0048])**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate combined with Wood and Hamano by transmitting media via the Internet, as taught by Matz, for the benefit of providing media from multiple sources.

Consider **claim 19**, Ten Kate combined with Wood, Hamano and Matz, as in claim 18, clearly teaches the second location is a server. **([0048] Matz)**

Consider **claim 20**, Ten Kate combined with Wood, Hamano and Matz, as in claim 18, clearly teaches the server comprises one or more of a 3rd party media provider, a 3rd party service provider, a network server, and a broadband head end. **([0045] Matz)**

Consider **claims 35 and 36**, Ten Kate combined with Wood and Hamano, as in claim 29, clearly teaches a media display sequencing system containing a storage device.

However, Ten Kate combined with Wood and Hamano does not explicitly teach at least one media capture device communicatively coupled to the storage, including a DVD player.

In an analogous art, Matz, which discloses a system for sequencing display data, clearly teaches at least one media capture device communicatively coupled to the storage, including a DVD player. **([0052])**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate combined with Wood and Hamano by including at least one media capture device communicatively coupled to the storage, including a DVD player, as taught by Matz, for the benefit of providing media from multiple sources.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN SCHNURR whose telephone number is (571)270-1458. The examiner can normally be reached on M-F 9a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

JRS